

STATE OF TENNESSEE

Office of the Attorney General



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Mr. David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Re: Docket No. 01-00293
Petition of Citizens Telecommunications Company of Tennessee for
Approval of a Promotion to Waive NonRecurring Charges Associated
with Basic Local Service for Customers in McMinnville and Sparta
Exchanges

Dear Mr. Waddell:

Enclosed is an original and thirteen copies of the State of Tennessee Attorney General's
Petition to Intervene in the above-referenced case.

Sincerely,

A handwritten signature in cursive script that reads "Shilina B. Chatterjee".

Shilina B. Chatterjee
Assistant Attorney General
(615) 532-3382

SBC:sc
Enclosure
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REGULATORY AUTH.
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EXECUTIVE SECRETARY

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE: PETITION OF CITIZENS)	DOCKET NO. 01-00293
TELECOMMUNICATIONS COMPANY)	
OF TENNESSEE FOR APPROVAL OF A)	
PROMOTION TO WAIVE)	
NONRECURRING CHARGES)	
ASSOCIATED WITH BASIC LOCAL)	
SERVICE FOR CUSTOMERS IN)	
MCMINNVILLE AND SPARTA)	
EXCHANGES)	

PETITION TO INTERVENE

Comes Paul G. Summers, the Attorney General & Reporter, through the Consumer Advocate and Protection Division of the Office of Attorney General (hereinafter "Attorney General"), pursuant to Tenn. Code Ann. § 65-4-118(c)(2)(A), and petitions to intervene in this case on behalf of the public interest because consumers may be affected by actions taken in this docket, particularly if Citizens Telecommunications Company of Tennessee ("Citizens") is allowed to waive nonrecurring charges associated with basic local service for customers in the McMinnville and Sparta exchanges. Such a promotion would result in unjust discrimination, result in undue and unreasonable preference to certain consumers and would be unreasonably prejudicial. Accordingly, if the Authority proceeds toward approval of the promotion to waive nonrecurring charges for basic local service for customers in McMinnville and Sparta, the Attorney General wants to ensure that Citizens offers this promotion in their other exchanges in Weakley, Putnam and Cumberland counties. For cause, the Petitioner would show as follows:

1. The Consumer Advocate and Protection Division of the Office of the Attorney General is authorized by Tenn. Code Ann. § 65-4-118 (c)(2)(A) to initiate a contested case, and participate or intervene in proceedings to represent the public interest in accordance with the Uniform Administrative Procedures Act (UAPA).

2. In the Petition filed by Citizens, it asks for approval of a promotion to waive nonrecurring charges associated with basic local service for customers in McMinnville and Sparta exchanges but does not allow customers in Citizens' Weakley, Putnam and Cumberland county exchanges to receive the waiver.

3. The question is whether or not Citizens can limit their promotion by exchange since it would be unjustly discriminatory to the customers in Citizens' other exchanges. Tennessee Code Annotated §65-4-122(a) provides that a public service company that "directly or indirectly, by any special rate, rebate, drawback or other device, charges, demands, collects, or receives from any person a greater or less compensation for any service within this state than it charges, demands, collects or receives from any other person for service of a like kind under substantially like circumstances and conditions" and if such public service company "makes any preference between the parties aforementioned" such public service company "commits unjust discrimination, which is prohibited and declared unlawful." Unless the promotion is offered in Citizens' other exchanges in Weakley, Putnam and Cumberland counties, the promotion to waive nonrecurring charges associated with basic local service for customers in McMinnville and Sparta exchanges would constitute unjust discrimination under Tennessee law.

4. If the customers in the McMinnville and Sparta exchanges receive a waiver of the nonrecurring charges associated with basic local service, then Citizens would be giving them an

undue or unreasonable preference or advantage over customers in the Weakley, Putnam and Cumberland county exchanges because they would be not be able to obtain the waiver for nonrecurring charges since Citizens has not extended the waiver to those customers. Tennessee Code Annotated §65-4-122(c) states “[i]t is unlawful for any such corporation to make or give an undue or unreasonable preference or advantage to any particular person or locality, or any particular person or locality, or any particular description of traffic or service, or to subject any particular person, company, firm, corporation or locality, or any particular description of traffic or service to any undue or unreasonable prejudice or disadvantage.” Therefore, under Tennessee law Citizens must offer the waiver of nonrecurring charges associated with basic local services to customers in all their exchanges in Tennessee.

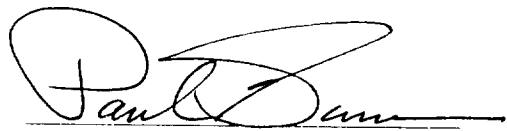
4. By approving the petition to waive nonrecurring charges associated with basic local service to Citizens’ customers in the McMinnville and Sparta exchanges, consumers will be unreasonably prejudiced. Tennessee Code Annotated §65-4-123 declares the telecommunications service policy of the State of Tennessee. It states that “the policy of the state is to foster the development of an efficient, technologically advanced, statewide system of telecommunications services by permitting competition in all telecommunications services markets.” Furthermore, §65-4-123 states “[t]o that end, the regulation of telecommunication services and telecommunication service providers shall protect the interests of consumers without unreasonable prejudice or disadvantage to any telecommunications service provider.” Therefore, regulation of telecommunication service providers shall protect the interests of consumers without unreasonable prejudice or disadvantage to any telecommunication services provider. If the promotion to waive the nonrecurring charges associated with basic local service

for customers is limited to the McMinnville and Sparta exchanges it will unreasonably prejudice consumers. Citizens may offer the promotion without being disadvantaged by providing the promotion to waive nonrecurring charges associated with basic local service for customers in all their exchanges.

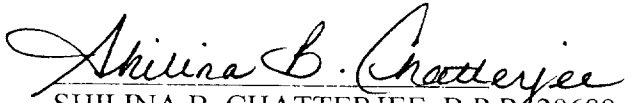
5. Only by intervening and participating in this proceeding can the Attorney General work to protect the public interest.

Wherefore the Petitioner prays that the Authority grant its Petition to Intervene.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul G. Summers", written over a horizontal line.

PAUL G. SUMMERS, B.P.R. # 6285
Tennessee Attorney General

A handwritten signature in black ink, appearing to read "Shilina B. Chatterjee", written over a horizontal line.

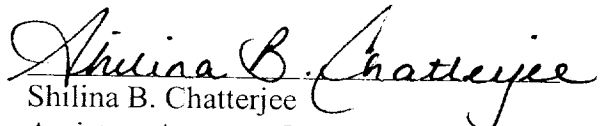
SHILINA B. CHATTERJEE, B.P.R. # 20689
Assistant Attorney General
Office of the Attorney General
Consumer Advocate and Protection Division
P.O. Box 20207
Nashville, Tennessee 37202
(615)-741-8700

Certificate of Service

I hereby certify that a true and correct copy of the Petition to Intervene was served on parties below via facsimile and U.S. Mail, postage prepaid, on April 12, 2001.

Richard Tettlebaum
Citizens Telecommunications
1400 16th Street, NW, Suite 500
Washington, D.C. 20036

J. Michael Swatts
State Government Affairs Director
Citizens Communications
300 Bland Street
P.O. Box 770
Bluefield, West Virginia 24701


Shilina B. Chatterjee
Assistant Attorney General

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